



Agency Legislative Proposal - 2020 Session

Document Name: Food_CT Grown OPM Legislative Proposal 2.4.20.docx

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Agriculture

Liaison: Kayleigh Royston

Phone: 860-713-2554

E-mail: Kayleigh.Royston@ct.gov

Lead agency division requesting this proposal: Bureau of Agricultural Development and Bureau of Regulatory Services

Agency Analyst/Drafter of Proposal: Wayne Kasacek/Carole Briggs/Jaime Smith

Title of Proposal: AAC ENHANCEMENTS TO THE CONNECTICUT GROWN PROGRAM

Statutory Reference: Section 22-6g, Sec. 22-6q, Section 22-6r, Section 22-38, Section 22-47, Sec. 22-39f, Section 22-61j, Section 22-4c, and section 51-164n

Proposal Summary:

This proposal allows chicken eggs to be defined as “fresh produce” which will add a critical food category to be available for recipients of state-funded SFMNP/WIC FMNP check booklets. The proposal makes changes to the requirements and enforcement of labeling for Connecticut Grown farm products. The proposal also allows the commissioner of the Dept. of Agriculture, or the commissioner's agent, to issue citations in accordance with section 22-4c and 51-164n for any infraction or violation of any provision of the general statutes under the commissioner's authority.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? With respect to Sec. 51-164n, there have been changes within state statutes which required changes within this section.
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year? Yes, in terms of locally grown, other states have revised their laws to specify what is truly state grown as opposed to locally or native. Other states have guidance and labeling standards for eggs. Also, other states do allow their Dept. of Ag to have more enforcement for issuing citations or infractions.
- (3) Have certain constituencies called for this action? Connecticut farmers, senior check distribution sites, and SFMNP/WIC FMNP program participants.
- (4) What would happen if this was not enacted in law this session? Nutritionally at-risk individuals will continue to lack a protein option through SFMNP/WIC FMNP. Non-CT farm products will



continue to be misrepresented and the department will lack enforcement authority for violations.

[Click here to enter text.](#)

◇ **Origin of Proposal**

☒ **New Proposal**

☐ **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

[Click here to enter text.](#)

PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

Agency Name: [Click here to enter text.](#)

Agency Contact (name, title, phone): [Click here to enter text.](#)

Date Contacted: [Click here to enter text.](#)

Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

[Click here to enter text.](#)

Will there need to be further negotiation? ☐ **YES** ☐ **NO**

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal *(please include any municipal mandate that can be found within legislation)*

No

State

Yes, nominal increase in revenue to the general fund based on violations under 51-164n

**Federal**

No

Additional notes on fiscal impact

[Click here to enter text.](#)

◇ POLICY and PROGRAMMATIC IMPACTS *(Please specify the proposal section associated with the impact)*

22-6g/22-6q – The request to add eggs as an eligible food through the state-funded SFMNP/WIC FMNP is a result of conversations with farmers, senior check distribution sites, and program participants (WIC/seniors) directly. When the program was originally established its goal was to increase consumption of fresh fruits and vegetables in nutritionally at-risk individuals (WIC and seniors) and provide an additional demographic at farmers' markets back in the 80's. Back in the 80's, farmers' markets were only fruits and vegetables; markets today offer almost all farm products available. In an effort to continuing improving nutrition in nutritionally at risk individuals, acknowledge the diversity of products now available at farmers' markets, and respond to demands by the industry and program users, adding eggs as an eligible food is requested. 22-38 strengthens the advertising and labeling CT Grown products by removing "native" and "local." 22-47 mirrors requirements for farmers market egg sales and requires producers who are selling eggs of their own production direct to household users to ensure such eggs are clean and stored properly. This usually attributes to small/farm stand producers. 51-164n – This allows the commissioner, or the commissioner's agent, to issue citations for any infraction or violation in which our agency has authority over.

◇ EVIDENCE BASE

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

[Click here to enter text.](#)



Insert fully drafted bill here

Section xx

Section 22-6g (13) is repealed and following substituted (*Effective October 1, 2020*):

(13) "Fresh produce" means fruits and vegetables that have not been processed in any manner, and chicken eggs;

Section xx

Section 22-6g (16) is repealed and following substituted (*Effective from passage*):

(16) "Connecticut-Grown" has the same meaning as Connecticut Grown in section 22-38.

Section xx

Section 22-6q is repealed and following substituted (*Effective October 1, 2020*):

Sec. 22-6q. Connecticut Farmers' Market/Senior Nutrition Program.

(a) There is established the Connecticut Farmers' Market/Senior Nutrition Program which shall be provided for from funds available to the commissioner and from other sources as such funds may become available. The program shall supply Connecticut-grown fresh produce to senior participants through the distribution of vouchers that are redeemable only at designated Connecticut farmers' markets. For purposes of this section, a "senior participant" is defined as a person who is sixty years of age or older and is currently residing in elderly housing, or is a participant of a registered congregate meal site, or has been identified by a municipal elderly agent as being at nutritional risk. For purposes of this section, "fresh produce" means fruits and vegetables that have not been processed in any manner, and chicken eggs. The program is designed to provide both a supplemental source of fresh produce for the dietary needs of seniors who are judged to be at nutritional risk and to stimulate an increased demand for Connecticut-grown produce at Connecticut farmers' markets.

(b) The program shall be administered by the Commissioner of Agriculture who shall maintain all conditions for its operations.

Section xx

Section 22-6r (5) is repealed and following substituted (*Effective from passage*):

(5) "Connecticut-grown" has the same meaning as Connecticut Grown in section 22-38.



Section xx

Section 22-38 is repealed and following substituted (*Effective form passage*)

Sec. 22-38. Advertising of Connecticut[-Grown] grown farm products. [Advertising of locally-grown farm products.] Selling of Connecticut[-]_Grown farm products at farmers' markets. (a) For purposes of this section, "farm products" means products resulting from the practice of agriculture or farming, as defined in section 1-1, and "Connecticut[-]_Grown" and "CT Grown" mean[s] produce and other farm products that have a traceable point of origin within Connecticut.

(b) Only farm products grown or produced in Connecticut shall be advertised or sold in Connecticut as "Connecticut[-]_Grown" or "CT Grown". [Farm products grown or produced in Connecticut may be advertised or sold in Connecticut as "Native", "Native-Grown", "Local" or "Locally-Grown". Farm products grown or produced within a ten-mile radius of the point of sale for such farm products may be advertised or sold in Connecticut as "Native", "Native-Grown", "Local", or "Locally-Grown".] Any person, firm, partnership or corporation labeling or advertising farm products as ["Native", "Native-Grown", "Local", "Locally-Grown", or] "Connecticut[-]_Grown" or "CT Grown" shall be required to furnish written proof within ten days of the sale of such products that such products were grown or produced in Connecticut [or within a ten-mile radius of the point of sale, as applicable,] if requested to do so by the Commissioner of Agriculture or [said] commissioner's designee. Any person who violates any provision of this subsection shall be fined not more than one hundred dollars for each product label in violation of this subsection.

(c) In addition to the provisions of subsection (b) of this section, any person who sells any farm product as "Connecticut[-]_Grown" or "CT Grown" at a farmers' market in this state shall offer such product for sale in the immediate proximity of a sign that is: (1) Readily visible to consumers, (2) not less than three inches by five inches in size, and (3) in a form that is substantially as follows:

[THIS FARM PRODUCT IS] CONNECTICUT[-]_GROWN FARM PRODUCT. [THIS FARM PRODUCT WAS GROWN OR PRODUCED BY THE FOLLOWING PERSON OR BUSINESS:] (INSERT NAME AND [ADDRESS] TOWN OF [PERSON OR BUSINESS] FARM OF ORIGIN).

The lettering on any such sign shall be of a size, font or print that is clearly and easily legible. Such a sign shall accompany each type of farm product that any such person sells as "Connecticut[-]_Grown" or "CT Grown". Any person who violates the provisions of this subsection shall receive a warning for the first violation and for any subsequent violation shall be fined one hundred dollars for each violation.

Section xx

Section 22-39f is repealed and following substituted (*Effective from passage*):



Sec. 22-39f. Penalties.

Any person who fails to comply with the provisions of sections 22-39a to 22-39e, inclusive, and 22-39g, or any regulation adopted thereunder, for which no penalty has been provided, or who obstructs or hinders the Commissioner of Agriculture [or the Commissioner of Consumer Protection or any of their] or the commissioner's authorized agents in the performance of their duties under the provisions of said sections, shall be fined [not less than twenty-five dollars or more than] fifty dollars for the first offense and [not less than one hundred dollars or more than] two hundred dollars for each subsequent offense. In addition to such fine, pursuant to chapter 54, the Commissioner of Agriculture is authorized to deny, suspend or revoke [the] any license, permit, certificate, or registration provided for in said sections issued to such person.

Section xx

Section 22-47 is repealed and following substituted (*Effective October 1, 2020*):

Sec. 22-47. Exemptions.

Producers selling eggs of their own producing direct to household users are exempt from the provisions of this part and, (1) such eggs are clean, stored at an ambient air temperature of not greater than forty-five degrees Fahrenheit and are not adulterated, and (2) the label contains the producer's name and address, the type of eggs if not chicken eggs, the quantity of eggs, safe food handling instructions and the label is not otherwise misleading or false and makes no claim of grade or quality. All types of shippers selling eggs to a first receiver who will grade them into the proper size and grade before reselling are exempt from the provisions of this part.

Section xx

Section 22-61j is repealed and following substituted (*Effective from passage*):

Sec. 22-61j. Violation. Penalty. Fine.

Any person who violates the provisions of sections 22-61c to 22-61f, inclusive, [shall be guilty of a class D misdemeanor and] shall be fined one hundred dollars for the first offense and two hundred dollars for each subsequent offense.

Section xx



Subsection (a) of Section 22-4c is repealed and following substituted (*Effective from passage*):

(a) The Commissioner of Agriculture may: (1) Adopt, amend or repeal, in accordance with the provisions of chapter 54, such standards, criteria and regulations, and such procedural regulations as are necessary and proper to carry out the commissioner's functions, powers and duties; (2) enter into contracts with any person, firm, corporation or association to do all things necessary or convenient to carry out the functions, powers and duties of the department; (3) initiate and receive complaints as to any actual or suspected violation of any statute, regulation, permit or order administered, adopted or issued by the commissioner. The commissioner may hold hearings, administer oaths, take testimony and subpoena witnesses and evidence, enter orders and institute legal proceedings including, but not limited to, suits for injunctions and for the enforcement of any statute, regulation, order or permit administered, adopted or issued by the commissioner. The commissioner, or the commissioner's agent, may issue a citation in accordance with section 51-164n for any infraction or violation established in any provision of the general statutes under the commissioner's authority; (4) provide an advisory opinion, upon request of any municipality, state agency, tax assessor or any landowner as to what constitutes agriculture or farming pursuant to subsection (q) of section 1-1, or regarding classification of land as farm land or open space land pursuant to sections 12-107b to 12-107f, inclusive; (5) in accordance with constitutional limitations, enter at all reasonable times, without liability, upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of any statute, regulation, order or permit administered, adopted or issued by the commissioner and the owner, managing agent or occupant of any such property shall permit such entry, and no action for trespass shall lie against the commissioner for such entry, or the commissioner may apply to any court having criminal jurisdiction for a warrant to inspect such premises to determine compliance with any statute, regulation, order or permit or methods of manufacture or production ascertained by the commissioner during, or as a result of, any inspection, investigation or hearing; (6) undertake any studies, inquiries, surveys or analyses the commissioner may deem relevant, through the personnel of the department or in cooperation with any public or private agency, to accomplish the functions, powers and duties of the commissioner; (7) require the posting of sufficient performance bond or other security to assure compliance with any permit or order; (8) provide by notice printed on any form that any false statement made thereon or pursuant thereto is punishable as a criminal offense under section 53a-157b; (9) by regulations adopted in accordance with the provisions of chapter 54, require the payment of a fee sufficient to cover the reasonable cost of acting upon an application for and monitoring compliance with the terms and conditions of any state or federal permit, license, registration, order, certificate or approval. Such costs may include, but are not limited to, the costs of (A) public notice, (B) reviews, inspections and testing incidental to the issuance of and monitoring of compliance with such permits, licenses, orders, certificates and approvals, and (C) surveying and staking boundary lines. The applicant shall pay the fee established in accordance with the provisions of this section prior to the final decision of the commissioner on the application. The commissioner may postpone review of an application until receipt of the payment.



Section xx

Subsection (b) of section 51-164n is repealed and following substituted (*Effective from passage*):

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (f) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, subdivision (1) of section 14-223a, section 14-240, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-341i, subsection (b) of section 20-334, as amended by this act, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subsection (c) of section 21a-2, subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, as amended by this act, subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-39f, 22-39g, 22-49 or 22-54, 22-61j, subdivision (1) of subsection (n) of 22-61i, subsection (d) of section 22-84, section 22-89, 22-90, 22-96, 22-98, 22-99, 22-100, 22-111o, 22-167, subsection (c) of section 22-277, 22-278, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326, [or 22-342, subsection (b), (e) or (f) of section 22-344,] subsection (b) of section 22-344, subdivision (1) of subsection (e) of section 22-344, subdivision (2) of subsection (e) of section 22-344, subsection (g) of section 22-344, subdivision (2) of subsection (b) of section 22-344b, subsection (c) of section 22-344b, subsection (d) of section 22-344c, subsection (d) of 22-344d,



subsection (a) of section 22-344f, subsection (b) of section 22-344f, 22-350a, subsection (a) of section 22-354, subsection (b) of section 22-354, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of section 53-344b, or section 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.